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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,742	12/28/2000	Joseph W. Cole	COLEP.00006P	7208
7590	05/13/2004			EXAMINER COBURN, CORBETT B
R. SCOTT WEIDE WEIDE & MILLER, LTD 330 SOUTH 3R5D STREET 11TH FLOOR LAS VEGAS, NV 89101			ART UNIT 3714	PAPER NUMBER 10
			DATE MAILED: 05/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/750,742	COLE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Corbett B. Coburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 47-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 47-56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47, 48 & 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al. (US Patent Number 5,807,177).

**Claim 47:** Takemoto teaches a game station with a base unit having a first side and an opposing second side, and a first end and a second end. (Fig 9) The base unit defining at said first side a player station for use by a single player generally facing said first side of said base unit. The base unit includes a base portion and a console extending upwardly from the base portion. The base portion and console are positioned between the first end and the second ends of the base unit. The console includes a first face corresponding to the first side of said base unit. Takemoto teaches a first and a second electronically controlled video display (B) at the first face of said console. The first and second electronically controlled video displays are positioned sufficiently proximate to one another to be viewed at the same time by the single player of the first station – a player can clearly see both screens. There is a first game controller (91) adapted to present first wagering game information on the first display and a second game controller adapted to present second wagering game information on the second video display, whereby the player may concurrently view said first and second wagering game information presented

on said first video display and said second video display. There is at least one wager-accepting device (6) at the game station adapted to accept a wager placed by a player of the player station.

**Claim 48:** Takemoto teaches a base unit defines at said second side a second player station for use by another single player generally facing said second side of said base unit, said console having a second face corresponding to said second side of said console, and including a third and a fourth electronically controlled video display at said console, said third and fourth electronically controlled video displays positioned sufficiently proximate to one another to be viewed at the same time by the single player of said second station; a third game controller adapted to present third wagering game information on said third display and a fourth game controller adapted to present fourth wagering game information on said fourth video display, whereby said player may concurrently view said third and fourth wagering game information presented on said third video display and said fourth video display; and at least one second wager accepting device at said game station adapted to accept a wager placed by a player of said second player station – Fig 9 shows that the two sides are identical.

**Claim 50:** Takemoto's base portion is generally upwardly extending and defines a first vertical surface. Takemoto teaches that the game controllers may be located with the video displays (B). (Col 4, 4-5) In this configuration, the game controllers would be mounted on the respective vertical surfaces extending upwardly from the base.

3. Claims 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Marnell II (US Patent Number 5,259,613).

**Claim 53:** Marnell teaches a base unit (88) having a first side and an opposing second side, and a first end and a second end. The base unit defines at said first side a player station for use by a single player generally facing said first side of said base unit. The base unit includes a base portion and a console extending upwardly from said base portion, said base portion and console positioned between said first end and said second ends of said base unit, said console including a first face corresponding to said first side of said base unit. (Fig 2) There is a first (32) and a second (40) electronically controlled video display at said first face of said console, said first and second electronically controlled video displays positioned sufficiently proximate to one another to be viewed at the same time by the single player of said first station. There is a first game controller adapted to present information regarding a first wagering game on said first display and a first video selector adapted to provide non-gaming video data from a video feed to said second video display. (Figs 3 & 4) The player may play a first wagering game presented using said first video display and at the same watch said video presented using said second video display. There is at least one wager accepting device (36) at said game station adapted to accept a wager placed by a player of said player station for playing said first wagering game.

**Claim 54:** The base unit defines at said second side a second player station for use by another single player generally facing said second side of said base unit, said console having a second face corresponding to said second side of said console, and including a third and a fourth electronically controlled video display at said console, said third and fourth electronically controlled video displays positioned sufficiently proximate to one

another to be viewed at the same time by the single player of said second station; a third game controller adapted to present information regarding a second wagering game on said third display and a second video selector adapted to provide non-gaming video data from a video feed to said fourth video display, whereby said player may play a first wagering game presented using said first video display and at the same watch said video presented using said fourth video display; and at least one second wager accepting device at said game station adapted to accept a wager placed by a player of said second player station for playing said second wagering game – the machines are identical on both sides.

**Claim 55:** The video feed comprises television programming. (Abstract)

**Claim 56:** There is least one control for use by said player of said first player station in controlling said video selector to present video information on said second display. (Col 2, 35-39)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 47 above, and further in view of Weiss (US Patent Number 5,611,730).

**Claim 49:** Takemoto teaches the invention substantially as claimed, but does not teach a master game station controller to control the 1<sup>st</sup> and 2<sup>nd</sup> gaming controllers. Weiss teaches a master gaming controller (82) that controls the gaming controller for each

gaming machine. (Fig 3) Weiss teaches that this allows the implementation of a progressive jackpot. (Abstract) Progressive jackpots attract players by achieving a larger value than normally can be achieved on an individual machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a master gaming controller that controls the gaming controller for each gaming machine in order to allow the implementation of a progressive jackpot and attract players by achieving a larger value than normally can be achieved on an individual machine.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 47 above, and further in view of Gabrius et al. (US Patent Number 5,113,990).

**Claim 51:** Takemoto teaches the invention substantially as claimed, but does not teach a housing located between the console and the second end with a wager-accepting device mounted therein. Gabrius teaches a wager-accepting device mounted in a housing. (Fig 2) This device allows the player to make wagers using banknotes instead of requiring them to use a card. This increases the number of ways a player can wager, thus increasing potential profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takemoto to include Gabrius' wager-accepting device mounted in a cabinet in order to allow the player to make wagers using banknotes instead of requiring them to use a card, thus increases the number of ways a player can wager and increasing potential profits. Regarding the placement of the housing, the particular placement of the housing is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by placing the housing in the location claimed versus the placement of the housing taught by the prior art.

7. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 47 above, and further in view of Lucero (US Patent Number 5,457,306).

**Claim 52:** Takemoto teaches the invention substantially as claimed, but fails to teach a keypad mounted between the displays on each face of the console. Lucero teaches a keypad mounted on a slot machine cabinet that allows the player to use a general-purpose charge card to wager on the game. This allows a player who does not have a house card to play without going through the procedure for getting one. (Col 1, 67 – Col 2, 8) This flexibility increases the likelihood of players betting. It would have been obvious to one of ordinary skill in the art at the time of the invention to have mounted a keypad in the slot machine cabinet (i.e., on the face of the console) in order to allow a player who does not have a house card to play without going through the procedure for getting one, thus providing flexibility that increases the likelihood of players betting. Regarding the placement of the keypad on the face of the console, placing the keypad between the two displays would facilitate use of the keypad with either or both of the displays. This would increase player convenience. It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the keypad between the two displays in order to facilitate use of the keypad with either or both of the displays, thus increasing player convenience.

*Response to Arguments*

8. Applicant's arguments filed 17 October 2004 have been fully considered but they are not persuasive.

9. In general, Applicant's arguments are drawn to the claims as amended and are addressed in the rejection above. There are, however, a few remarks that will clarify Examiner's position.

10. Applicant argues that Takemoto teaches a range of gaming machines each of which is intended for use by a single player. Be that as it may, the reference still reads on Applicant's claimed structure. Takemoto's intended use does not alter the structure of Takemoto's device – and that structure anticipates Applicant's claims.

11. Applicant argues that Takemoto does not teach placing the gaming controllers on vertically extending surfaces of the gaming machine. This is not the case. While the controls may be mounted on the chair, Takemoto teaches that the controls "may be assigned to the gaming machine B." (Col 4, 4-5) Furthermore, it is extremely well known to place the gaming controllers on vertically extending surfaces of the gaming machine – the art is replete with examples.

12. Applicant argues that Gabrius teaches either an add-on bill acceptor that takes up too much space or a bill acceptor that is somehow "intermingled" with the rest of the gaming machine. Gabrius Fig 6 shows that the bill acceptor is not "intermingled". Furthermore, even if it were "intermingled", this argument is not commensurate with the scope of the claims.

### *Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3714

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. This is an RCE of applicant's earlier Application No. 09/750,742. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

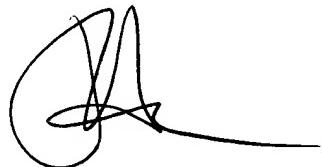
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cbc



JESSICA HARRISON  
PRIMARY EXAMINER